EXHIBIT 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, ET AL.,	)	**CASE NO: 2:13-CV-00193**
	)	
Plaintiffs,	)	**CIVIL**
	)	
vs.	)	**Corpus Christi, Texas**
	)	
RICK PERRY, ET AL.,	)	**Wednesday, June 18, 2014**
	)	
Defendants.	)	**(3:01 p.m. to 4:08 p.m.)**

STATUS CONFERENCE

BEFORE THE HONORABLE NELVA GONZALES RAMOS,
UNITED STATES DISTRICT JUDGE

Appearances:	**See Next Page**
Court Recorder:	**Genay Rogan**
Clerk:	**Brandy Cortez**
Transcriber:	**Exceptional Reporting Services, Inc.** **P.O. Box 18668** **Corpus Christi, TX 78480-8668** **361 949-2988**

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APPEARANCES FOR:

Plaintiffs:	**ARMAND DERFNER, ESQ.** **P.O. Box 600** **Charleston, SC 29402**
	CHAD W. DUNN, ESQ. **Brazil and Dunn** **4201 Cypress Creek Parkway, Suite 530** **Houston, TX 77068**
Mexican American Legislative Caucus, et al.:	**EZRA D. ROSENBERG, ESQ.** **Dechert, LLP** **902 Carnegie Center, Suite 500** **Princeton, NJ 08540-6531**
Texas League of Young Voters Education Fund:	**RYAN HAYGOOD, ESQ.** **NAACP Legal Defendant and Educational Funds, Inc.** **40 Rector Street** **5th Floor** **New York, NY 10006**
State of Texas:	**JOHN BARRET SCOTT, ESQ.** **Scott, Yung, L.L.P.** **208 N. Market Street** **Suite 200** **Dallas, TX 75202**
	LINDSEY WOLF, ESQ. **CLAY COALSON, ESQ.** **ARTHUR D'ANDREA, ESQ.**
United States of America:	**ANNA BALDWIN, ESQ.** **DANIEL FREEMAN, ESQ.** **U. S. Department of Justice** **950 Pennsylvania Avenue, N.W.** **NWB Room 7125** **Washington, DC 20530**
Mexican American Legislative Caucus, et al.:	**KEMBEL SCOTT BRAZIL, ESQ.** **Brazil and Dunn** **4201 Cypress Creek Parkway** **Suite 530** **Houston, TX 77068**

APPEARANCES FOR: (CONTINUED)

Texas Association of Hispanic County Judges and County Commissioners:	**ROLANDO L. RIOS, ESQ.** **115 E. Travis** **Suite 1654** **San Antonio, TX 78205**
Oscar Ortiz, et al.:	**MARINDA VAN DALEN, ESQ.** **Texas Rio Grande Legal Aid** **4920 North IH 35** **Austin, TX 78751**

Corpus Christi, Texas; Wednesday, June 18, 2014; 3:01 p.m.

(Call to Order)

THE COURT: The Court calls Cause Number 213-193, *Veasey, et al versus State of Texas, et al*.

Ms. Cortez will take roll here.

THE CLERK: Your Honor, for the individual Veaseys, we have Mr. Dunn and Mr. Derfner will be speaking. For the United States of America, Ms. Baldwin and Mr. Freeman will be speaking. The Mexican American Legislative Caucus, r. Rosenberg will be speaking. For Ortiz, et al, Ms. Van Dalen will be speaking. For the Association of County Judges, Mr. Rios. For the Texas League of Young Voters, Mr. Haygood will be speaking and for the State of Texas, Mr. Whitley, Ms. Wolf and possibly Mr. Scott will be speaking.

THE COURT: All right. Counsel, there's a couple of matters, I guess, pending before the Court and I'd like to address first. It's D324, Defendants' Motion to Compel Production of the Federal Databases. Who's going to proceed on that, Mr. Scott or Ms. Wolf or who?

MR. WHITLEY: Your Honor, this is David Whitley for the Defendants.

THE COURT: Okay.

MR. WHITLEY: The *Crawford versus Marion County Election Board* case was clear that the inconvenience of making a trip to the BMV, gathering up the required documents and

posing for a photograph surely does not qualify as a substantial burden on the right to vote or even represent a significant increase from the usual burdens of voting. Yet the Plaintiffs in this case still insist on making matches between the Secretary of State's TEAM database and the acceptable forms of ID on Election Day.

The last time the Department of Justice was able to play puppeteer and do those matches themselves, the Court threw out the expert reports of both sides in the case and that was in *Texas v Holder*. Now, both the U.S. and the Defendants requested each other's databases. To date, only the United States and the private Plaintiffs have received information from the State of Texas. The State has not received anything from the federal government other than what they used to make matches.

Now, the standard has never been that the other side thinks that it would be useful to have the information but rather, Rule 26 is clear it should be reasonably calculated to lead to the discovery of admissible evidence. And we should also not be required to disclose our expert trial strategy in this case to show --

THE COURT: Wait, wait -- are you addressing the Motion to Compel -- the Defendants' Motion to Compel the Production of Federal Databases?

MR. WHITLEY: Yes, ma'am.

THE COURT: Okay. Proceed.

MR. WHITLEY: Was that -- can I elaborate for you in a specific way that will make it more useful for you, your Honor?

THE COURT: Sure.

MR. WHITLEY: The United States has asked us explain to them why the federal databases would be useful to us and that is not the standard. That's what I was explaining earlier but here's something that we've learned while taking depositions in this case. In the deposition of Michele Bessiake, she admitted that she was at the time of her testimony registered to vote in both Texas and Indiana. She's also in possession of an Indiana -- the State of Indiana learner's permit to drive which she obtained after registering to vote in Texas. She also plans to get a driver's license in Indiana.

Now, Ms. Bessiake would most likely show up as a non-match because she doesn't have the acceptable forms of ID to vote in Texas yet she will have an Indiana driver's license and without access to the federal databases, we would have never known that and without having the opportunity to depose her, which depending on the number of non-matches, we certainly wouldn't have time to depose each and every one of these people, we would never know.

Under the current agreement, which is ECF 174 which

is now arguably been blown up, we were prepared for the cross examination of their experts under the agreement that they would not have the TEAM database but now they do. Now everybody has TEAM and we need access to the federal databases to be situated similarly.

THE COURT: All right. Who is going to speak for the United States?

MS. BALDWIN: Your Honor, this is Anna Baldwin for the United States.

THE COURT: Okay.

MS. BALDWIN: The Defendants' request for massive amounts of sensitive, legally-protected information about tens of millions of U.S. citizens with no connection to this litigation threatens the real information (indiscernible). As counsel has essentially admitted, the request disregards the Court's protective order. It unnecessarily compromises the privacy interests of millions of Americans and it triggers profound data security issues for multiple federal agencies that maintain a great deal of highly sensitive medical and national security information.

I just want to say out -- up front when the idea that the State hasn't received anything from the federal government is simply incorrect. The Defendants have already received precisely what they bargained for and what the other parties bargained for and precisely what this Court ordered in

accordance with ECF Number 174. They have data from five different federal agencies, the federal agencies that either issue a form of SB 14 allowable ID or make disability determinations relevant for applying for an exemption from showing ID.

To be very concrete, your Honor, from the State Department, Defendants have a data set with information supplied directly by the State Department showing person by person for every one of the more than 13 million registered voters in Texas which of those registered voters have the same social security number as a passport number -- as a passport holder as well as which Texas voters have the same name or date of birth as the passport holder.

From the Department of Defense, the Defendants and all other parties have the same thing. They have, again, a list of information supplied directly from the Defense Department of exactly which of Texas' more than 13 million registered voters have the same social security number as the holder of military ID or the same name and date of birth as the military ID holder. And the same is true for the other federal agencies involved, the SSA, the VA and USCIS.

Defendants know down to the individual voter whether the agencies involved have records that match with the search criteria that Defendants supplied it on which were the social security number and certain combinations of the name and date

of birth.

In this process, Defendants got to decide exactly how they wanted the federal databases to match. They provided their list of matching criteria to the United States which the United States counsel in turn provided to the agencies. The agencies executed that list and provided match results to all parties. Along with match results, the United States produced sworn declarations from staff at each agency telling exactly what steps they took in conducting the matches.

Defendants' request for more information is just actually (indiscernible). Of the two samples that we just heard about whether a voter could be registered in another state, there is no federal database that shows voter registration nationwide and we told Defendants that. That's certainly not information the State Department, Defense Department, SSA, VA or USCIS maintains. The same thing is true about driver's licenses. There is no master data set that we are aware of and especially from any of these agencies involved that have a list of everybody who has a driver's license in any state and at any rate, that's all beside the point because having an Indiana driver's license, of course, doesn't entitle you to vote under SB 14.

The Defendants already have all of the relevant information that was derived from the federal databases at issue. Their (indiscernible) demand violates the supplemental

protective order of the federal confidentiality statutes and the federal rules. As to the protective order, your Honor, again, Defendants have essentially conceded that the request is totally inconsistent with ECF Number 174 which provides that federal data directly from the databases, the raw field contents were not going to be provided to any party.

That order set out the procedure that all parties have been operating under in this case, namely that each party was going to come up with match results which the federal agencies would execute and all parties would receive the results. That process has already occurred. There's no basis for nullifying that order, especially after Defendants have received the match results.

THE COURT: All right.

MS. BALDWIN: And --

THE COURT: Mr. -- are you finished?

MS. BALDWIN: I was going to talk about the specific confidentiality statutes but those were in our briefing of the United States. So if the Court doesn't have questions on that, I'm --

THE COURT: No, I've already looked at that.

Mr. Dunn?

MR. DUNN: We have nothing to add, your Honor.

THE COURT: Okay. Mr. --

MR. DUNN: Well, I was just going to say -- no,

that's fine.

THE COURT: Mr. Rosenberg?

MR. ROSENBERG: We will rely on what DOJ has said. Thank you.

THE COURT: Okay. Ms. Van Dalen?

MS. VAN DALEN: Nothing to add, your Honor.

THE COURT: Mr. Rios?

MR. RIOS: Nothing to add, your Honor.

THE COURT: And Mr. Haygood? Nada? Okay.

Mr. Whitley, I'll let you have the last comment.

MR. WHITLEY: Thank you, your Honor. David Whitley with the Defendants. I'm glad Ms. Baldwin brought up the ECF Number 174 because that document stated clearly that the TEAM would be in the possession of the United States solely and now the TEAM is in the possession of all the private Plaintiffs in this case.

Furthermore, we're not looking for a nationwide registration database. Rather, we are looking for ways that the federal databases will allow us to further narrow down our match lists by the access that they have to other states' information. That's why I brought up the Indiana example. And the *Texas v Holder* Court talked extensively about the matching process done by the federal government in the last case. It involved dead people, duplicates, simply incorrect, no matches. We're in the exact same situation in this case. The data was

scrubbed incorrectly last time and we would like to know whether or not it has been scrubbed incorrectly this time. The matching process is fundamentally flawed.

And lastly, your Honor, the protective order protects the information from the Texas databases. It would also protect the information from the federal databases. They -- the Department of Justice has never provided an explanation as to why sensitive, personal information in the federal database could not be turned over under the same confidentiality agreement. Thank you, your Honor.

THE COURT: All right. The Court's going to deny Defendants' motion to compel production of the federal databases.

The next thing I have is I believe yesterday was filed the Secretary of State's mission for protection regarding the deposition of Coby Shorter (phonetic). Where are we on that?

MR. WHITLEY: Your Honor, this is David Whitley. I can speak briefly to that as well, hopefully with a little bit more success. But we are still in negotiations with the United States. The reason I was filing it is because the time for compliance on the subpoena had come and we wanted to make sure that that was on file to protect Mr. Shorter's rights. We are still discussing with the United States dates for his deposition and working on the time and topics for that.

THE COURT: Okay. So nothing to discuss on that today? That's what it sounds like.

MR. WHITLEY: No, your Honor, not from the standpoint of the Defendants.

THE COURT: Then --

MR. SCOTT: Your Honor, John Scott for Texas. One quick thing --

THE COURT: Okay.

MR. SCOTT: -- in terms of, I guess, what you ruled on the databases. And I want to throw this out. There is a -- it appears we're going to be needing a lot of time during trial for our offer of proofs and I don't know how that's going to be accounted for on time with regard to the weeks that's been allotted to Texas. Is that something the Court would prefer we arrange that we going to do after hours? Just, again, the priority because we're starting to get a whole lot of stuff that it doesn't look like we're going to get a chance to ever put on any evidence in defense of the case.

THE COURT: Wait. What --

MR. SCOTT: I need to know how we're going to proceed to do that and --

THE COURT: Proceed doing with your -- I'm sorry -- with your evidence?

MR. SCOTT: Well, we have a -- yes, your Honor. We've got an enormous amount of things. This simple issue that

you just raised by not giving us access to those databases, the information that we believe would have been obtainable by finding those, we'll be having to at least make an offer of proof in the record during the time of trial. I'm trying to get a grasp --

THE COURT: Okay. I see what you're saying. I see. You're wondering if that's going to be part of your trial time?

MR. SCOTT: Yes, ma'am.

THE COURT: I don't -- I guess we can do that after hours so we don't count it as part of your trial time.

MR. SCOTT: Thank you, your Honor.

THE COURT: Okay. All right. We were -- did we finish the issue on Shorter, Coby Shorter? Because you-all are going to be conferring, so there was nothing for the Court to address there.

Then on Monday there was a filing by the Defendants regarding the United States' motion for protective order on the Rule 30(b)(6) notice. I've not gone back to look at the initial briefing on that. So I don't know what we can do today. The Defendants filed a statement on that.

Ms. Baldwin, do you have anything on that?

MS. BALDWIN: Your Honor, we have been working diligently with Defendants to try and not have to burden the Court with this but there are a number of disputes that are topics that are still in dispute. Well, I would say at the

outset, however, your Honor, is that Defendants have waived their opposition and it's our position that, you know, this motion should be granted as a matter of law.

THE COURT: Right. Why have they waived anything? We've been at this for a while now. Every time we have a status, I ask about it and you-all are still conferring. So what have they waived?

MS. BALDWIN: Under Local Rule 7.4, your Honor, the motion was filed on May 2nd and absolutely we've been conferring but there was still a return date set on the docket per the Local Rules of June 2nd and no written opposition has been filed to date.

THE COURT: I'm sorry. I'm not going to do that. We have been dealing with this and -- for a while now. So let's not do that.

MS. BALDWIN: As to the merits, your Honor, there are a number of issues that are sufficiently weighty that, again, because Defendants haven't briefed it, we would ask that the Court set a briefing schedule wherein the Defendants would respond to, you know, the positions that we've already set out, let's say, by Wednesday of next week and we would propose to quickly respond by June 30th.

THE COURT: Mr. Scott, do --

MR. SCOTT: Your Honor, John Scott. There is an enormous of briefing already done. It simply requires the --

THE COURT: Right. I think this statement by the Defendant has kind of narrowed it down for the Court; is that correct -- what was filed on Monday as to what's still an issue or no?

MS. BALDWIN: Yes. Your Honor, this is Ms. Baldwin. It has narrowed the number of topics and I'm happy to address the merits of those if that would be of assistance to the Court.

THE COURT: I guess you can proceed, Ms. Baldwin, to address what's outstanding.

MS. BALDWIN: Okay. The first topic that is listed is administrative preclearance under Section 5 of The Voting Rights Act. Deposition testimony on this topic should be barred for at least four weeks. It's irrelevant. It's wildly overbroad as stated. Any discovery of the information is privileged (indiscernible) for exercising its discretion (indiscernible) information would (indiscernible) decades that failed to (indiscernible) and for accumulative and non-published information that has already been produced by the DOJ in an effort to avoid unnecessary discovery disputes.

Your Honor, first on relevance, there is absolutely no relevance to this topic in this case even as limited by Defendants to Section 5 preclearance admission being made in 2004. For the 16 states that were subject to Section 5 of The Voting Rights Act from 2004 until 2013, there were more than

2,100 submissions on that topic. Either it's laws that have nothing to do with SB 14 and it's under -- being reviewed under an entirely separate section of The Voting Rights Act.

Defendants are asking about many, many different laws with no explanation for what relevance is here in this case, again, on, you know, over-breadth. Again, we're talking about more than 2,000 submissions. There is no way to designate a deponent on these topics who could be reasonably well-prepared to talk about all of them. The topic on its face fails to comply with Rule 30(b)(6), it reasonable particularity requirement.

On the argument of general discoverability, if (indiscernible) topic which is improperly (indiscernible) on its face, what Defendants are really try to get at is that they want to explore why the Attorney General pre-clears some laws and not others. That is absolutely inappropriate. *Morris v Gressette*, a Supreme Court decision, held that Congress intended to preclude judicial review of all of the Attorney Generals who exercise discretion in the preclearance determination. As such, there's no basis for Defendants to seek this sort of discovery which would raise attorney-client, work product and deliberative process issues.

And last, your Honor, where a Section 5 preclearance file could possibly have any relevance, we already provided the underlying non-privileged document. Defendants have the

entirety of the preclearance file, the non-privileged portion for SB 14. They know every witness that the Department of Justice talked to in the preclearance process and they even have the witness interview notes. In *Texas v Holder*, they also received preclearance files for two other federal laws. While we certainly don't concede that those files are relevant, Defendants already have them.

I have had many, many conversations with Defendants about this topic. They haven't identified a single non-privileged area that they want to explore, much less explained how it's relevant in any of the (indiscernible).

THE COURT: All right. Who's covering that issue from the Defendants on the administrative preclearance?

MS. WOLF: Your Honor, this is Lindsey Wolf and I will be covering that issue for the Defendants.

THE COURT: Okay, go ahead.

MS. WOLF: Your Honor, I think one point to point out at the beginning is that it seems to me that the United States is seeking to be treated as a special kind of litigant and I think that the case law is clear that 30(b)(6) depositions of federal agencies are not inappropriate. Government agencies are to be treated as if they're ordinary litigants and they must abide by the Federal Rules of Civil Procedure and that's a case out of the Southern District of Florida involving the FCC.

The Department of Justice representative in other

cases has been the subject of 30(b)(6) depositions. There's a bankruptcy case out of the District of Massachusetts where that was the case. And on top of that, there's a Voting Rights Act case involving both Section 5 and Section 2 out of the District of South Carolina which doesn't elaborate very much but refers to the deposition testimony of Duval Patrick who (indiscernible) charges of the Civil Rights Division of the Department of Justice.

And so I think the first point he made is that this is not -- seeking the deposition of a DOJ representative is not unprecedented and I think that what we're running into is an issue where it seems that the Department of Justice is using The Voting Rights Act as a double-edge sword which essentially allows them to pierce certain privileges at least for discovery purposes but in turn shield can them from a 30(b)(6) deposition or other ordinary discovery techniques.

And in terms of the topic -- in respect to the administrative preclearance topic, it seems that the United States -- you know, the (indiscernible) by Ms. Baldwin deals with judicial review of preclearance position. It did not discuss discovery. It did not discuss the ability of a litigant to obtain discovery upon providing a Section 5 file. It dealt with judicially reviewing a preclearance position.

I think that in a case -- another case which was a State Department defendant -- I'm sorry -- (indiscernible) the

United States in response to a request for production propounded by Defendant, *Cofield versus City of LaGrange*, the Court determined that the Section 5 file was properly discoverable in a Section 2 case.

And, you know, in terms of the assertion of privileges, there's an exception for the delivery of process privilege. The delivery of process privilege is a qualified privilege, particularly where the purpose of the Government's action in a particular case is at issue.

In addition, the delivery of process privilege, there is an exception which is referred to as the "working law exception" which is if there are opinions and interpretations which the bind the agency's effective law and policy, you can't withhold the papers which essentially reflect the agency's group thinking and the process of working out its policy and determining what its (indiscernible) shall be and that's a Second Circuit case from 2012.

And, you know, so we're placed in a position where we're not entitled to seek discovery through this vehicle and in terms of the breadth of the topic, I think what the United States has pointed to and what we reiterate is that we're seeking information regarding the process of how the preclearance submissions are submitted and the document production on this standing alone are not sufficient. Mostly they only relate to the preclearance in SB 14. It doesn't

relate to the larger preclearance process and how the DOJ handles that process.

And in connection with that, one of the remedies that both the Department of Justice and every other Plaintiff who filed a complaint in this action is seeking is veiled in -- under Section 3C of The Voting Rights Act which is essentially obtaining preclearance of the voting changes that the State of Texas would seek to annex going forward.

So in terms of that remedy, this particular type of discovery is appropriate because we are entitled to probe into how this process is done. And I think we have tried to work with them. We have tried to limit this temporally going back a decade in order to, you know, not make it apply to every single administrative preclearance admission that they've ever received but we've got to know where they're at, your Honor.

The final point I would make in terms of relevance is both the United States and the other Plaintiffs have made numerous allegations in their complaints regarding the intervention which they've alleged has been necessary dating back centuries. The United States cites a case dating back to 1927 regarding Texas' voting practices and so they put this historical evaluation of Texas' voting practices into issue. They made it relevant in our complaint and, in turn, we would argue that we are entitled to probe as to how those decisions have been made, your Honor.

THE COURT: All right. Anything further, Ms. Baldwin?

MS. BALDWIN: If I could respond just very briefly. First, we're not making a categorical argument that the Department of Justice should never be subjected to 30(b)(6), only that these topics are inappropriate.

Second, the relevance point, I've heard no argument for why this is relevant to the claim that SB 14 violates sections of The Voting Rights Act or any of the other private Plaintiff's Constitutional claims. How the -- what remedy we may be seeking, how the DOJ's process is in the past are even relevant as to afford a remedy seems to have no relevance but at any rate, that's absolutely not relevant to the claim.

And in terms of what information Defendants already have, again, they have all the facts that the Department considered as to SB 14. They don't have the privileged information that the Supreme Court has said is not reviewable, that decades of case law, unquestioned case law says is not reviewable. *Cofield v LaGrange,* which was just cited as to how contrary this position is, is absolutely not. That is about discovery of the underlying preclearance documents which we've already produced.

The only, you know, broad sweep on relevance that's been argued is the purpose of the Government's action where the Government here is the United States but the Government's

actions as the United States' actions in this case are not at issue. That's not at all relevant to the claim that's being brought to the extent that the Defendants are making an argument about some counterclaim that they may get but there's no counterclaim asserted. There's no counterclaim pending. Discovery on any such future counterclaim is absolutely not proper under the scope of Rule 26 and the 2000 comments make that clear.

THE COURT: All right. Let's go to Topic 2. Ms. Baldwin?

MS. BALDWIN: Topic 2 is the enforcement of Section 2 of The Voting Rights Act. Again, this is incredibly overbroad. How the Attorney General has exercised his discretion in enforcing Section 2 is irrelevant here and the topic is even on its face limited to the Attorney General's enforcement. It would need to encompass what private parties have done. We began to ask what facts the (indiscernible) attempted to get at, asked that these documents stipulate the facts but that's not what we understand has been sought here.

Again, this appears to be another improper attempt to oppose opposing counsel about the nature and scope of the Department's enforcement of priorities and its exercise of prosecutorial discretion. None of that is relevant to the claim. Again, if this is a counterclaim issue, 26(b) can find discovery is an actual claim.

If and when Defendants raise a counterclaim, the United States would incur all appropriate cautions in responding to it, including (indiscernible) discovery or bifurcate considerations that counterclaim so as to preserve the Court's scheduling orders and trial but unless and until Defendants actually assert any counterclaim, discovery cannot be extended beyond the claims that they actually allege.

THE COURT: All right. Ms. Wolf?

MS. WOLF: Your Honor, while the Defendants do not disagree that this discovery would be relevant or may be relevant to counterclaims and affirmative defenses that they may assert in the future, that not where the limit of the relevance is. Again, this particular complaint -- all of the complaints of the other Plaintiffs have sought remedies regarding, you know, continued involvement of the Department of Justice and the review of Texas' voting procedures and I think that it's relevant at least for purposes of discovery for the Defendants to be able to probe as to how that process is enforced in the Department of Justice.

Again, the documents which have been produced by the Department of Justice do not provide a sufficient picture for Defendants in order to assess the evaluation of that process nor even if the documents differ by complete picture should the Defendants be precluded from using the deposition form of testimony which several cases have held is a unique form of

discovery in and of itself. And so, you know, the argument that because you don't -- you have a document and should be -- you should be able to take that position we don't think should stand.

Furthermore, again, we sought to limit this. We sought to limit this going back to 2004 and we think that that's a reasonable time -- limitation on it and finally, in the complaint, several of the Plaintiffs have, again, not just limited their complaint to allegations regarding the administrative preclearance of Texas' voting practices in the class.

They've also incorporated several -- by a Court decision, they've incorporated Section 2 of The Voting Rights Act and, for example, in the complaint of the NAACP and (indiscernible), they've asserted that in the past three decades, they were more successful suits against Texas by jurisdiction filed under Section 2 of The Voting Rights Act challenging discriminatory election methods and redistricting plans than any other state in the country. And that in and of itself -- that puts into issue why were those suits brought in Texas in particular and I think it's very (indiscernible) entitled to probe into that particular area.

THE COURT: All right. Let's move on to Topic 5.

MS. BALDWIN: Topic 5 which I believe is the federal observers, again, you would say -- or examiners. This is,

again, about what the Department does nationwide and even the observers and monitors to enforce a variety of federal statutes. They're just not relevant here. These topics, again, seem to be aimed at discovering DOJ's enforcement priorities and for no proper reason. Again, this is very overbroad. It's impossible to know what is being sought here to do a proper designation even if this were relevant.

THE COURT: Okay. Ms. Wolf?

MS. WOLF: Your Honor, I think this is particularly relevant because the United States in its complaint has sought the appointment of federal observers pursuant to Section 3A of The Voting Rights Act to observe elections in Texas. I don't know what remedies that they are seeking in our complaint and for the same reason that it was relevant for us to probe because the (indiscernible) by various Plaintiffs.

This is also a relevant subject of probing in terms of depositions in terms of how the process is handled, when federal observers are actually appointed, why they're appointed and in terms of the deliberative process privilege, again I would argue qualified privilege in here where for purposes of the remedy, the purposes of the Government's actions in these particular areas would be relevant. We should be entitled to probe at least in discovery as to the general processes and procedures that the United States undertakes when deciding to appoint federal observers or when the federal observers are

actually appointed and conducting the work that they're directed to do by this Court.

THE COURT: All right. Let's move to Topic 6.

MS. BALDWIN: Your Honor, that's essentially duplicative of Topic 5, election monitoring. Again, it's just not relevant. This department does a variety of election monitoring, none that has anything to do with does SB 14 violate Section 2 of The Voting Rights Act because it has discriminatory results or a discriminatory purpose.

THE COURT: Okay. Ms. Wolf?

MS. WOLF: Your Honor, for many of the same reasons we asserted in response to the Government's response to Topic 5, we would also, again, assert that this is relevant to the remedy sought by the United States and we think that the processes and the procedures under which state government observes elections in Texas or elsewhere are relevant to the issue of production.

THE COURT: All right. We're moving on to Topic 10.

MS. BALDWIN: Your Honor, this is asking for various intake laws and complaint systems. This topic is completely cumulative. We have produced in document discovery every complaint that we have received related to photo ID or SB 14 from Texas or regarding Texas and we've also produced every allegation of voter fraud related to Texas that, you know, is from -- came in through the email address listed as a topic.

No further discovery is warranted on this.

THE COURT: All right. Ms. Wolf?

MS. BALDWIN: They have all the facts.

MS. WOLF: Your Honor, I'd just like some clarification from the United States on one point, because my understanding was (a) that they'd only produced complaints relating to in-person voter impersonation as a form of voter fraud as opposed to every form of voter fraud, so that would be one point that we would make, is that the complaints that they received in terms of other forms of election crime would also be relevant information. And since we don't have the documents, we're at least entitled to probe a witness as to those complaints. But notwithstanding that distinction, while, again, we have received some documents, you know, relating to what this email address was used in terms of SB14, we think as a larger point, we're entitled to inquire into the process as to how does the United States choose, you know, which complaints to investigate? How does the United States choose which individuals to respond to. Just as a general matter from our review of the document production, in fact, you know, some inquiries are followed up on by the United States, some are not. And these inquiries are coming in from various entities. They're coming in from political parties and they're coming in from the (indiscernible). There's also sorts of different interest groups that are submitting submissions in terms of a

preclearance submission or just generally in terms of complaints. And we think that given that deposition testimony is a unique vehicle, we are entitled to probe as to the processing of those complaints, as to the priority given to those complaints, and as to whether there are procedures in place which determine how the United States chooses to respond. They're a very busy agency and cannot respond to all complaints at the same time, and so how do they choose to respond to those complaints? And to the extent that the United States were to assert (indiscernible) privilege in terms of that process, we would again argue that that's subject to the working law exception, which is iterated in the (indiscernible) case out of the Fifth Circuit in terms of the fact that that (indiscernible) responding is basically a (sic) unwritten law that provides how they prioritize and address these particular type of complaints.

THE COURT: Okay. So now we're jumping where? To -- I'm going down through the statement that Defendants provided on Monday, and I guess we're kind of back into topic seven?

MS. WOLF: Yes, your Honor. This is Lindsey Wolf. If the United States is okay, we would argue that basically topics seven, eight, and 11 through 30, as well as part of 37, are all relating to various iterations of facts relating to election crimes and voter fraud. So we would be prepared to address those topics in bulk if the United States would be

agreeable to that.

THE COURT: Okay. Ms. Baldwin?

MS. BALDWIN: I think that I'm, you know, happy to proceed. I would probably address 11 through 30 and break out seven and eight, with the Court's permission.

THE COURT: That's fine.

MS. BALDWIN: Taken together, topics 11 through 30 testimony on literally every allegation, investigation, prosecution, or potential prosecution for any instance of "election crime or voter fraud" which Defendants have very, very broadly defined nationwide. These topics are incredibly overbroad, incredibly burdensome, and fundamentally irrelevant and seeks to pierce well-established government privileges. Your Honor, this case is about a single type of voter fraud, in-person impersonation in Texas. It's not about literally any kind of conduct of which one or more federal law enforcement officials nationwide may be aware that may violate some state or federal law related to an election anywhere in the nation, which is essentially the breadth of testimony the Defendants are asking that we designate witnesses on. It's incredibly overbroad, your Honor, because to prepare for this topic, it would involve seeking information from literally every single U. S. Attorney's office and FBI field office in the country. And on instances of law breaking that have absolutely nothing to do with SB14, such as double voting or (indiscernible) or

absentee ballot fraud or countless other election irregularities. SB 14 has nothing to do with those sorts of crimes. This case, as I said, your Honor, is about whether the State of Texas knew when it enacted a law; not what anyone else knew, including the federal government, much less what the federal government noticed years after the law was enacted. To try and work through this impasse, we've offered to explore giving Defendants a declaration with the only potentially relevant facts of which we are aware, namely -- because of the period of time that we've located information for, which is approximately 2007 to the present, there have been no federal prosecutions anywhere in the country for in-person voter impersonation fraud -- none. We've asked Defendants what facts more than this they could possibly be seeking and why they need them, and they haven't been able to explain any reasons. The manner in which Defendants are seeking information not just about public prosecutions, but about investigations of a wide variety of totally unrelated crimes raises very serious information for the department in light of the law enforcement privilege. There is no reason for this Court to consider requiring DOJ to give testimony on topics that are going to invade that privilege. And, again, because of the seriousness of that, we would seek all options to block any such testimony before it happened were that to be ordered.

THE COURT: Okay. So that was on 11 through 30. Do

you want to go ahead and address seven, eight, and 37?

MS. BALDWIN: Sure. On seven, this is -- it's related because it is, again, on voter fraud, but seven is about publically available reports from the --

THE COURT: Okay. I was going to ask about that. Why, Ms. Wolf -- it -- can you -- do you not have access to that? Is that not a publically -- a public report?

MS. WOLF: No, your Honor. The Department has produced the public report -- the public integrity reports going back from at least to the 1990s until 2010. And I understand that there's one poll from 1995 that they didn't produce which we got before, but just from a documentary statement. And then also there's the 2013 report's not yet available online. So --

THE COURT: Okay.

MS. WOLF: -- overall we do have those actual reports. But the problem is, again, a document versus a deposition issue in that at the end, for example -- I looked for the reports today -- at the end of the report, it indicates where there have been prosecutions for election crimes, but it's not clear from the face of the report whether that is the entire universe, whether that only applies to actual prosecution --

THE COURT: So you're just trying to --

MS. WOLF: -- versus whether that --

THE COURT: You're just trying to clear up the information in the report on that issue?

MS. WOLF: In respect to topic seven, yes, your Honor.

THE COURT: Okay. Anything else on seven, Ms. Baldwin?

MS. BALDWIN: We would just state, your Honor, these are reports which they speak for themselves. Designating a witness on them is, again (indiscernible) contain many, many prosecutions on things like bribery and other corruption that has no relevance to the claims here. We don't see how we can possibly produce a witness on this and what relevance it has given that as to this and every topic, how DOJ exercises its prosecutorial discretion is simply privileged and not relevant to any claim.

THE COURT: All right. What about topic eight?

MS. BALDWIN: Eight is similar to seven in that it relates to what's called the Ballot Access Voting and Integrity Initiative, which is a long-running law enforcement effort, that involves trainings and prioritization and coordination of certain election crimes. We produced documents, over a thousand pages of training documents, and, again, it's cumulative, it's a topic that's vague. What more Defendants are looking for on this, they haven't been able to tell us any non-privileged facts that they would be looking for. There's -

- it would be hopelessly impossible for us to designate anyone as the topic is currently formulated, and it's just not relevant.

THE COURT: Ms. Wolf?

MS. WOLF: Just as to topic eight, your Honor, we've looked at the Ballot Access and Voting Integrity Initiative reports that the Department has produced; and, unfortunately, there are holes in data that are attached to those reports. And while some of those reports do contain specifics relating to voter fraud and election fraud -- and off the top of my head I there's one, it was a 2002 to 2005 -- it's an incomplete picture and we don't have, to my understanding, reports from every year that detail that particular type of information. And even assuming that we did have those -- that information, which I don't believe we do, it's again a question of these election crime cases, which are included in these training materials, are perhaps examples or are perhaps representative, and they don't represent the entire universe of the information related to prosecutions or allegations or other issues that go beyond just the case that was decided and then summarized and attached possibly as an example to the back of the report. So, again, as to topic eight, we would argue that we are entitled to probe a witness relating to how the reporting is done, what's put in those reports, why certain cases are selected and others are not, particularly because it's dealing with training

materials. And I think that that -- it's a similar argument that we would have with respect to the public integrity reports. We're entitled to probe a witness as to the contents of those particular documents.

THE COURT: Okay. So what's left, 37?

MS. WOLF: And, your Honor, we haven't addressed 11 through 30 from the defense yet, but I'll be happy to let --

THE COURT: You can proceed --

MS. WOLF: -- Ms. Baldwin address 37 before I turn back to that.

THE COURT: You can proceed to address 11 through 30.

MS. WOLF: Okay. Your Honor, with respect to 11 through 30, I think it's incorrect to start by saying that the only issue that's been put into (indiscernible) this allegation relates to in-person voter fraud. In the United States' complaint, they challenged Texas to present evidence on the election integrity, which was the stated purpose of the legislator in passing SB14. I believe that they specifically said that the voter ID proponents cite virtually no evidence during or after -- actually, I started reading the wrong one -- they state the policies proffered for this particular restrictions contained in SB14 are tenuous and unsupported in the legislative record or by other evidence. And in turn, in paragraph 29, they do provide that the stated purpose was to ensure the integrity of the election. The Defendants would

argue that, you know, the integrity of the elections is broader than just in-person voter fraud. But notwithstanding that, I don't think that the Defendants have a complete picture of the amount of in-person voter fraud or, for that matter, the amount of various other election crimes that have been prosecuted or investigated or brought to the attention of the United States' Department of Justice. And I would also argue that not only the Defendants -- or not only the United States, but the other Plaintiffs have also put into issue issues regarding allegations in our complaint which concern the fact that the State has not produced evidence of election fraud, and they have not produced evidence showing that election fraud was -- the integrity of elections was addressed by the legislature. On top of that, the Defendants have been served with discovery by some of the other Plaintiffs for -- the Office of the Attorney General related to very, very broad allegations and the Attorney General's knowledge of voter fraud, which goes beyond just voter impersonation and goes into complaints or allegations for (indiscernible) investigation, investigation charges, prosecution, which she stated going back to January of 2000 in some instances and other instances has no date range. And my understanding is that those issues in terms of the OAG producing (indiscernible) being worked out with the Plaintiff. But the point is that those issues have been brought and that Plaintiff clearly thinks that they are relevant, and so we

argued that we are entitled to that source of information in terms of the unique institutional knowledge that the Department of Justice has. In terms of the documents that they've produced, we don't have complete logs of voter fraud complaints that it's received. I know they were discussing the public integrity reports and the (indiscernible) reports. We don't have a complete picture of the statistics for what's a representative example versus the complete universe of the complaints or allegations that we receive. And, again today, raw factual data is not protected by (indiscernible) process or other privilege. There's a case (indiscernible) *versus the U. S.*, which is (indiscernible) Michigan case, which does not -- which protects communications -- which does not protect communication, the raw data on which decisions can be formulated. In terms of law investigation privilege, the data the Defendants are seeking is largely historical data. And I think that the courts in the Fifth Circuit (indiscernible) Frankenhauser (phonetic) factors, which is the case out of the Eastern District of Pennsylvania, and several of the Frankenhauser factors involve whether the party seeking discovery is an actual or potential Defendant in any criminal proceeding either pending or reasonably likely to follow from the incident in question; whether the police investigation has been completed; whether any intradepartmental disciplinary proceedings have arisen or may arise from the investigation;

and the importance of the information sought to the plaintiff's case. And those are just some of the factors. And at the same time (indiscernible) *U. S. Department of Homeland Security* case out of the Fifth Circuit that determines the law enforcement privileges founded by relevance and time constraints. And, you know, most of the data that we're seeking going back to 2004 is historical data, I'm assuming it's related to investigations which have already been completed, or (indiscernible) which have already been found or allegations which have already been, you know, acted upon and investigated. And so we don't think that the law enforcement privilege in and of itself is a relevant exception here. And I think that -- again, we think that these topics are relevant in the sense that it's not just limited to the State of Texas. I think integrity of elections could apply nationwide in terms of the universe of voter fraud or election crimes that have happened nationwide. I think the definition, while Ms. Baldwin referred to it as broad, the definition that we used in our 30(b)(6) notice was derived directly from a 2006 report of the Election Assistance Commission -- the United States Election Assistance Commission, and we tried to, at least in terms of the definition of "voter fraud," narrow it to particular topics which we thought were relevant to the integrity of elections as it relates to SB14. And so I think, your Honor, to preclude us from discovery on this topic while, you know, we're working with the Plaintiff to

allow this type of discovery for them, and also while this is the stated purpose of this bill -- and, finally, while the Department of Justice has very unique institutional knowledge of these particular types of crimes and instances would just not be fair, and I think that the -- if we're working in good faith to try to get this information to the other side, I think we, too, should be entitled to it as well.

THE COURT: Do you want to say anything further on 11 through 30, Ms. Baldwin?

MS. BALDWIN: Just in brief, your Honor. What is at issue here is what the State of Texas knew when it passed the statute that is alleged to be racially discriminatory. What is not at issue is what various people in the federal government may know about a host of unrelated election crimes throughout the country.

THE COURT: All right. And so what's left, 37?

MS. BALDWIN: Yes, your Honor. Thirty-seven is, again, calculations, reports, audits, relating to the effect of SB14 or any other photo ID law on-hand in instances of voter fraud or election crime. This topic is overbroad and vague. And as we discussed thus far with Defendants, we're not -- counsel is not currently aware of any such reports; and to the extent that they relate to other state laws, they would be irrelevant. Anything that relates to SB14 has been produced in this case.

THE COURT: All right. Ms. Wolf?

MS. WOLF: Your Honor, in terms of the study point, what I would argue is that while counsel may represent that no such study exists, that's not the same as a deponent coming in and saying the Department of Justice has not examined the effects of photo ID laws on eliminating election crimes or voter laws, and we think that those are two very different animals. So while the response may be to the witness that no such studies exist, we believe that we are entitled to probe as to that type of information.

And just -- your Honor, I just want to revisit one point that Ms. Baldwin raised with respect to topics 11 through 30. I think the issue in a Section 2 analysis is that we need to balance the burden of the particular photo ID law with the state's interest. And so we need to be able to see, you know, whether or not the legislature knew of these particular instances of voter fraud or election crime is not necessarily the only issue that's relevant. If there was a significant amount of election crime and voter fraud, that also goes to the balancing test that is relevant under Section 2. So I just wanted to add that as respect to topics 11 through 30.

THE COURT: Okay.

MR. CLAY: Your Honor, this is Reid Clay for the State of Texas. If I can just elaborate on that for one second.

THE COURT: Yes.

MR. CLAY: There are many different claims in this case, and one issue certainly is what the purpose of the legislature was in enacting SB14. Another issue is whether or not the burden imposed by SB14 is justified by some sort of state's interest. Texas has, in many cases in recent history, reacted to instances of election fraud or election crimes in other states, enacted laws in order to try and prevent those from happening in Texas. So part of our purpose in asking for some deposition testimony from the Department of Justice on things other than in-person voter fraud -- which, by the way, is not the only type of fraud that can be prevented or deterred by SB 14 -- is to see what the State of Texas could be -- could use to justify its actions in enacting SB14 based upon preventing other types of election crimes and instilling integrity in the election system in Texas, which is a valid purpose under Supreme Court case law for enacting voter identification law. So the idea that voter impersonation is the only thing that's at issue here or what the legislature knew about voter impersonation is the only thing at issue here, is flatly wrong and is the reason that we've requested the information that we have.

THE COURT: All right. I think those were all that were left, at least according to the statement that was filed by the Defendants on the day -- I need to look at those issues

a little more, so I don't know if I'll either get you all back on a conference call or issue a short order or -- when -- let me address some other matters and then I'll figure out when I can have rulings on those issues on the protective order filed -- motion for protective order filed by the government. Let's see.

I know today there was a motion to compel regarding some interrogatories that was filed by the Defendants. It was just filed today. I guess we'll have to address that at another time, Mr. Scott -- or who wants to address that?

MS. WOLF: Your Honor, this is Lindsey Wolf. I'm happy to address that. I think where we are on that particular motion -- and I do understand it was just filed today -- is that we're just seeking -- we didn't receive answers to our interrogatories from either the Ortiz group of Plaintiffs or the LULAC Plaintiffs. They did kind of serve objections. However, there were no answers that were contained in those interrogatories. And we tried to confer and see if they would produce answers to those interrogatories. They've indicated that they are going to stand on their objections and not provide sworn statements by their clients. One point of verification, it appears that LULAC had actually submitted what looked like an answer beneath their objections, but no one has actually verified that answer. So Defendants are essentially seeking to compel the Ortiz (indiscernible) group and also the

Veasey-LULAC group to provide sworn answers by their clients to the interrogatories that were served on them.

THE COURT: Mr. Dunn, I know it was just filed today, but do you want to say anything on that issue?

MR. DUNN: Sure. Thank you, Judge. This is Chad Dunn for the court reporter. I think the representation of the issue by the State as just laid out, we strongly disagree with, and we're -- we have objected to the interrogatories. I actually believed that this issue had been resolved in a conference call and then I saw the motion today. So I think without taking it point-by-point would be wasting the Court's on how I think the issue is different than has been relayed so far. I'd recommend we take this up after the parties can confer again about it.

THE COURT: That's fine. Ms. Van Dalen?

MS. VAN DALEN: I agree --

THE COURT: Okay.

MS. VAN DALEN: -- with the proposal (indiscernible)

THE COURT: Did you all start depositions this week? Anybody wants to speak on that.

MR. ROSENBERG: Ezra Rosenberg. Yes, we did, your Honor. We've had, I believe, three depositions taken this week so far.

THE COURT: Any issues on any privileges at this point?

MR. SCOTT: Your Honor, John Scott. One of the things that came up in our deposition -- it's my understanding it also came up in the deposition yesterday -- was the use of documents which had previously been ruled as privileged. You ordered us to turn those documents over to the Plaintiffs so that they could review them. It limited in your order, which was Document 226, it limited the use of those and who could make use of any portion of those. It also set forth the way that they could be used, which was bring them to you before they were introduced at trial. What has happened is they're now being used on the legislators, and we have set up a process at least to handle the first two systems whereby we're putting those under seal and trying to keep those remaining under seal in addition to, I guess, the way we're dealing with the question and answer process on those documents.

THE COURT: Okay.

MR. SCOTT: But it sure would be helpful to have a little more guidance in the form of a written order that both sides I think would agree would be nice to fall back on to say this is why we're doing it and the way we're doing it.

THE COURT: Okay.

MR. SCOTT: Because I think the existing order does not --

THE COURT: Address it.

MR. SCOTT: -- allow for such a use of them. I don't

think it prevents the use, but I sure don't think it provides for it.

THE COURT: Okay. I --

MR. ROSENBERG: And, your Honor -- Ezra Rosenberg, if I may, just to add to that. The example today is, of course, very simple. We were questioning Representative Riddle and we questioned her with the documents that she produced; not with any other documents. And we put on the record they were highly confidential, which meant that they are under seal, and we think that's an appropriate way to deal with it. And --

THE COURT: It seems like -- and there is no definite order -- but it seems like we kind of addressed it at one of our conferences how that might be handled. But if you want a written order, that's fine, but I'm going to suggest you all propose maybe what you all have been doing, if it's agreed to, or where the issues are as to what I need to clear up.

MR. SCOTT: That's great, your Honor. And this is John Scott for Defendants. We'll take a first draft at it and get it over to Mr. Rosenberg and to the DOJ and all those parties.

THE COURT: Okay. Are there any other issues for today?

MR. FREEMAN: Your Honor, this is Dan Freeman on behalf of the United States. We've happily cleared up almost all of the motions to quash the subpoenas that are in front of

the Court. Just to give the Court a status update, there's still one motion to quash a deposition subpoena that remains in front of Judge O'Connor of the Northern District of Texas. That motion has -- there's a motion to quash that's been fully briefed and as has the motion to transfer, but Judge O'Connor has not yet ruled on either of those motions. There's also still one document subpoena that remains before the Court, and I emailed Ms. Cortez about this I believe yesterday, saying that we would like to try to resolve that single motion to quash today if the Court is looking to --

THE COURT: I'm sorry --

MR. FREEMAN: -- hear the very limited part that's left.

THE COURT: Brandy is shaking her head. We may have missed that, so --

MR. FREEMAN: Oh.

THE COURT: Do you know what DE it is?

MR. FREEMAN: If you'll give me just one moment, I can tell you.

THE COURT: Okay.

MR. FREEMAN: This was just the motion to quash the deposition subpoena -- or the deposition subpoena that was served on the Texas Legislative Council, and that is currently in Docket Number 2:14-cv-226. It's one of the motions to quash that was transferred into the Western District.

THE COURT: Okay. So what do we need to do on that? I have not looked at that, but if you all want to discuss it. What's the --

MR. FREEMAN: Mr. D'Andrea and I have conferred and we've substantially narrowed the issues, I believe, and I'll Mr. D'Andrea speak first on that.

THE COURT: Okay. We had discussed this before, but there were some matters you all were going to discuss further, right? I remember that now.

MR. FREEMAN: Yes, your Honor, and we did get together and --

THE COURT: There was like search terms and --

MR. FREEMAN: -- reached an agreement about the search terms --

THE COURT: Right.

MR. FREEMAN: -- but I think probably Mr. D'Andrea should probably speak first because it's his motion, so I'll pass that over to him if that works.

THE COURT: Okay.

MR. D'ANDREA: Good afternoon, your Honor, this is Arthur D'Andrea for the state -- third party legislators. The only part remaining is the cumulative complaint objection we had, and that is the TLC subpoena requests documents from 85 different people, and we're asking the Court to cut 28 people from that list. Cutting those people we think it'll shorten

the time it takes us to gather and review all of these TLC documents. And it's already going to take a long time. And cutting the people will not harm the Plaintiffs because these people are all duplicate; because these people, these are the very same people who DOJ have already issued direct subpoenas. So, for example, DOJ asked Speaker Straus to search his work email for everything related to voter ID. And they asked Representative Jose Aliseda to do the same, to search work emails for everything related to voter ID. And they did this for 28 legislators. And now, among the people they want -- they've gone to TLC and asked TLC to search Speaker Straus's work email for voter ID --

THE COURT: Okay.

MR. D'ANDREA: -- related documents. They --

THE COURT: Let me ask Mr. Freeman -- let me ask what's the purpose of that, Mr. Freeman?

MR. FREEMAN: Your Honor, the server -- these subpoenas were all served at the same time, and (indiscernible) searches are generally used with large organizations --

THE COURT: No, what -- they sound duplicative and -- to me. So what's the purpose of doing that?

MR. FREEMAN: The reason for doing (indiscernible) search essentially are uniformity, completeness of the search --

THE COURT: No, I don't think that's appropriate.

MR. FREEMAN: -- (indiscernible) D'Andrea --

THE COURT: I don't think that's appropriate.

MR. FREEMAN: Okay, your Honor.

THE COURT: So I'm sustaining --

MR. FREEMAN: We would simply -- we can submit a proposed order that would limit that subpoena to individuals who have not separately received a personal subpoena. Would that be the best interpretation of the Court's order?

THE COURT: That -- yes. I'm sustaining the objection. Mr. D'Andrea, is that it on that issue?

MR. D'ANDREA: Yes, your Honor, thank you.

THE COURT: Okay. Anything else left on that motion to quash regarding the TLC?

MR. FREEMAN: I believe that's all, your Honor.

THE COURT: Okay. So --

MR. D'ANDREA: That's all.

THE COURT: -- you all are going to submit an order based on that ruling and that will take care of that motion, correct?

MR. D'ANDREA: This is Arthur D'Andrea. Yes, it will, your Honor.

THE COURT: Okay. Anything else that's left hanging?

MS. BALDWIN: Your Honor, this is Ms. Baldwin for the United States. The Court is still considering the motion for the protective order, if there are particular topics that are

still at issue, we would just request that there be written briefing on those before there would be any such order to have that deposition proceed.

THE COURT: You're talking about what we were discussing?

MS. BALDWIN: Yes, your Honor.

THE COURT: Okay. Because what I have so far -- I know there was some earlier briefing. Well, there was the motion for protective order that was filed, and then there was a joint statement I believe just kind of let me know what your progress was on conferring. I believe that's the one we had an issue on regarding the parties conferring. And then what was filed today was just really another statement telling me what categories were left; is that right?

MS. BALDWIN: Yes, your Honor, that's correct. And just what we would request is that on any of these, given both the gravity of the issues and the burden, that Defendants -- if the Court is considering denying the request as to any of the topics, the Defendants be required to put up a reason as to their basis for why they're entitled to this --

THE COURT: Yeah.

MS. BALDWIN: -- and for (indiscernible) a response.

THE COURT: I think that would be helpful to the Court. Ms. Wolf, do you have any comments on that?

MS. WOLF: No, your Honor. I mean, we'll do whatever

the Court --

THE COURT: Okay.

MS. WOLF: -- requests us to do. I mean, I think we've explained --

THE COURT: How --

MS. WOLF: -- some of it today, but if the Court would like us to do that, we will do what the Court directs.

THE COURT: How much time do you need to get a response on file to that motion -- regarding what's left, what was discussed today?

MS. WOLF: Your Honor, I would ask for ten days, if possible. But one sort of housekeeping matter is we will then be approaching the end of fact discovery, so if we can just agree with the United States that that's not going to preclude us any and that your Honor does allow us to proceed with a deposition from actually proceeding with a deposition.

THE COURT: Or I will order that if they don't agree. So -- okay, so within ten days we'll get that and then I'll look at it again and see if I have any further questions.

MS. BALDWIN: And, your Honor, within say five days thereafter permitting us to file a short reply.

THE COURT: That's fine.

MS. BALDWIN: Okay, thank you, your Honor.

THE COURT: Okay. So you all are still -- so we addressed the Defendants' motion to compel the production of

federal databases. You all are conferring regarding the deposition of Coby Shorter. There's going to be some briefing on the motion -- United States' motion for protective order on the Rule 30(b)(6) deposition. You all are going to confer further the Ortiz-LUPE (phonetic) Plaintiffs and Veasey-LULAC Plaintiffs regarding the motion to compel that was filed today. And I think that's it, counsel. So --

MS. WOLF: Thank you, your Honor.

THE COURT: All right. You're -- well --

MR. SPEAKER: Thank you, your Honor.

THE COURT: -- I guess we should discuss --

MR. SPEAKER: Thank you, your Honor.

THE COURT: -- do we need another conference -- no, I guess not.

(This proceeding was adjourned at 4:08 p.m.)

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

June 19, 2014

TONI HUDSON, TRANSCRIBER